

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

RAYMOND TETRAULT, TIMOTHY)	
MUELLER, RICHARD DOYLE AND)	
DELBERT CLICK,)	
)	
Plaintiffs,)	No. 4:11-cv-00695
)	
vs.)	
)	
UNITED PARCEL SERVICE CO.,)	
)	
Defendant.)	

MOTION TO DISMISS

COMES NOW, Defendant United Parcel Service, Inc., incorrectly named United Parcel Service Co., and pursuant to Fed.R.Civ.P. 12(b)(6) moves to dismiss with prejudice Plaintiffs' Petition on the grounds that the same fails to state claims upon which relief can be granted. The basis for this motion is set forth in the accompanying Memorandum in Support.

WHEREFORE, for the reasons stated herein, Defendant United Parcel Service, Inc. respectfully requests that this Court enter an Order granting its Motion to Dismiss, with prejudice, provide Defendant United Parcel Service, Inc. with its attorneys' fees and costs spent preparing this Motion, and for such other and further relief as the Court deems just and proper.

ARMSTRONG TEASDALE LLP

BY: /s/ Jovita M. Foster

Jovita M. Foster, #52455MO
7700 Forsyth Blvd., Suite 1800
St. Louis, Missouri 63105
314.621.5070
314.621.5065 (facsimile)
jfoster@armstrongteasdale.com

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on May 11, 2011, the foregoing was filed via ECF and served via the Court's electronic notification system on the following:

John Wendler
P.O. Box 339
Edwardsville, IL 62025
618-656-6004
Fax: 618-656-1892
wendlawoff@yahoo.com
Attorney for Plaintiff

/s/ Jovita M. Foster